

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: David M. Abramson, Planner III

SUBJECT: Delegation Request: DG 7-5-06/05-537/Three Oaks Business Center/5951 Orange Drive/Generally located between Orange Drive and Southwest 44th Court, and between Southwest 60th Avenue and Southwest 59th Avenue.

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING TO VACATE 10' UTILITY EASEMENT ON THE "DAVIE TROPICANA REPLAT," AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The petitioner requests to vacate a 10' utility easement parallel to Orange Drive frontage and adjacent to a 20' drainage easement. Subsequently this easement will be replaced with a new 10' utility easement along southern plat limits if the "Three Oaks Business Center" project is approved.

This delegation request is needed to ensure that the "Davie Tropicana Replat" is consistent with the proposed "Three Oaks Business Center" site plan. Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: n/a

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Resolution, Justification letter, Sketch and Description, "Davie Tropicana Replat," Future Land Use Map, Aerial, Zoning, & Subject Site Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING TO VACATE 10' UTILITY EASEMENT ON THE "DAVIE TROPICANA REPLAT," AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plats known as "Davie Tropicana Replat" recorded in Plat Book 165 of plats at page 12 of the public records of Broward County; and,

WHEREAS, the petitioner has a site plan application known as "SP 5-2-05/Three Oaks Business Center" to develop the subject site with commercial use; and,

WHEREAS, the petitioner desires to amend the said plats in accordance with the approved site plan; and,

WHEREAS, the petitioner requests to vacate a 10' utility easement parallel to Orange Drive frontage with said plat.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve the delegation request to vacate a 10' utility easement on "Davie Tropicana Replat." The proposed modification being specifically described in the planning exhibits attached hereto.

SECTION 2. This resolution shall be recorded in the Broward County public records.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

Exhibit (*Justification Letter*)

**Three Oaks Business Center
Delegation Request For
Modifications to "Davie Tropicana Replat"**

UTILITY EASEMENT

JUSTIFICATION STATEMENT

The petitioner is requesting to abandon the 10-foot utility easement platted parallel to Orange Drive frontage and corner chords adjacent to the platted 20-foot drainage easement and subsequently replace it with a 10-foot perimeter utility easement along the relocated southern boundary, extending along the east and west boundaries to re-create a continuous 10-foot perimeter utility easement.

The proposed abandonment of the 20-foot drainage easement along the southern property line and the relocation of the southern property line associated with the proposed vacation of Orange Drive right-of-way necessitate a modification to the platted utility easement. The attached legal sketch and description describes the portion of the easement which would no longer be consistent with the site perimeter.

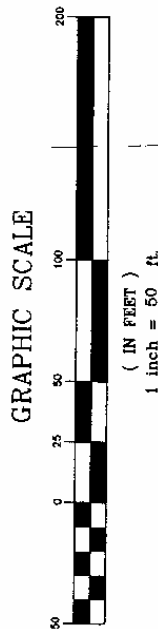
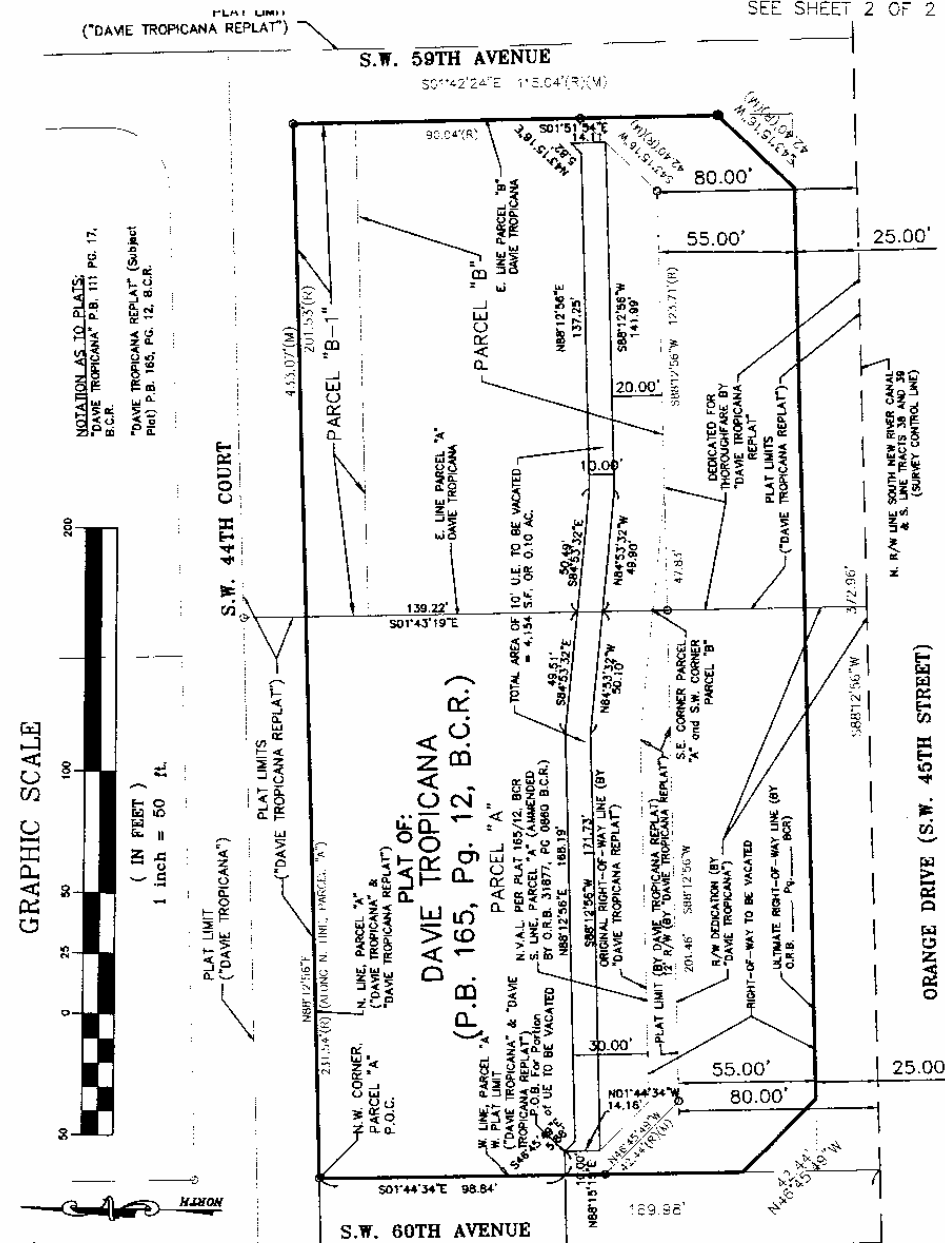
After approval of the site plan and vacation requests, a replacement easement will be recorded which will extend the east and west perimeter easements to the relocated southern property line and follow the new southern boundary.

EXHIBIT "A" SKETCH and DESCRIPTION

SHEET 1 OF 2

(VACATION OF PLATTED 10 FOOT UTILITY EASEMENT)

NOTE: FOR DESCRIPTION OF THESE GRAPHICS, SEE SHEET 2 OF 2



David H. Hines
FRANKLIN A. HINES, P.E., F.L.S.
REGISTERED LAND SURVEYOR No. 335
STATE OF FLORIDA

REVISIONS/UPDATES.

DATED: 06/12/06

PROJECT No.: 05-047

SCALE: 1" = 50'

DRAWN BY: XFA

CHECKED BY: XFA & FAA

REFERENCE PROJECT No.: 03-569

ASSOCIATED ENGINEERS and SURVEYORS DESIGN GROUP, INC.
CIVIL, ENGINEERS, ARCHITECTS, STRUCTURAL ENGINEERS,
SURVEYORS/MAPPERS and PLANNERS
SOUTH FLORIDA and TREASURE COAST
Main Office: 7001 N.W. 4th STREET, SUITE 2120
PLANTATION, FLORIDA 33357
PHONE: (954) 316-8770 FAX: (772) 360-9366 (954) 316-8720

FOR:
**THREE OAKS
BUSINESS PARK**
DAVE BROWARD COUNTY FLORIDA

PROJECT: VACATION OF:
**A PORTION OF
PLATTED 10 FOOT
UTILITY EASEMENT**

(VACATION OF A PORTION OF A PLATTED 10 FOOT UTILITY EASEMENT)

NOTE: FOR THE GRAPHICS
CORRESPONDING TO THIS
DESCRIPTION, SEE SHEET 1
OF 2

**DESCRIPTION OF PORTION OF 10 FOOT UTILITY EASEMENT TO BE
VACATED:**

A PORTION OF LAND BEING A PORTION OF THE 10 FOOT UTILITY EASEMENT SHOWN WITHIN
PARCELS "A" AND "B" OF "DAVIE TROPICANA REPLAT", ACCORDING TO PLAT BOOK 165, PAGE 12,
AS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID PORTION OF
LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST (NW) CORNER OF SAID PARCEL "A" OF "DAVIE TROPICANA
REPLAT", THENCE SOUTH 01° 44' 34" EAST ALONG THE WEST LINE OF SAID PARCEL "A", SAID
LINE ALSO BEING THE WEST PLAT LIMIT OF "DAVIE TROPICANA REPLAT", FOR A DISTANCE OF
98.84 FEET; THENCE NORTH 88° 15' 15" EAST, FOR A DISTANCE OF 10.00 FEET TO THE POINT OF
BEGINNING OF THE HEREIN DESCRIBED PORTION OF LAND; THENCE SOUTH 46° 45' 49" EAST,
FOR A DISTANCE OF 5.88 FEET; THENCE NORTH 88° 12' 56" EAST, ALONG A LINE 30.00 FEET
NORTH OF AND PARALLEL TO A SOUTHERLY LINE OF SAID PARCEL "A", FOR A DISTANCE OF
168.19 FEET; THENCE SOUTH 84° 53' 32" EAST, FOR A DISTANCE OF 49.51 FEET TO A POINT OF
INTERSECTION WITH THE EAST (E) LINE OF SAID PARCEL "A", SAID POINT OF INTERSECTION
BEING 30.28 FEET NORTH (N) OF THE SOUTHEAST CORNER OF PARCEL "A"; THENCE CONTINUE
ALONG THE LAST DESCRIBED COURSE OF SOUTH 84° 53' 32" EAST INTO SAID PARCEL "B", FOR
A DISTANCE OF 50.49 FEET; THENCE NORTH 88° 12' 56" EAST ALONG A LINE 30.00 FEET NORTH
OF AND PARALLEL TO A SOUTHERLY LINE OF PARCEL "B", FOR A DISTANCE OF 137.25 FEET;
THENCE NORTH 43° 15' 16" EAST, FOR A DISTANCE OF 5.82 FEET TO A POINT ON A LINE, SAID
LINE BEING 10.00 FEET WEST (W) OF AND PARALLEL TO THE EAST (E) LINE OF PARCEL "B";
THENCE PROCEED SOUTH 01° 51' 54" EAST ALONG SAID PARALLEL LINE, FOR A DISTANCE OF
14.11 FEET TO A LINE, SAID LINE BEING 20.00 FEET NORTH OF AND PARALLEL TO A SOUTHERLY
LINE OF PARCEL "B"; THENCE PROCEED SOUTH 88° 12' 56" WEST ALONG SAID PARALLEL LINE,
FOR A DISTANCE OF 141.99 FEET; THENCE PROCEED NORTH 84° 53' 32" WEST, FOR A DISTANCE
OF 49.90 FEET TO A POINT OF INTERSECTION WITH THE WEST (W) LINE OF PARCEL "B", SAID
POINT OF INTERSECTION BEING 20.21 FEET NORTH (N) OF THE SOUTHWEST (SW) CORNER OF
PARCEL "B" ACCORDING TO THE PLAT OF "DAVIE TROPICANA REPLAT"; THENCE CONTINUE
ALONG THE LAST DESCRIBED COURSE OF NORTH 84° 53' 32" WEST INTO PARCEL "A", FOR A
DISTANCE OF 50.10 FEET; THENCE PROCEED SOUTH 88° 12' 56" WEST ALONG A LINE 20.00 FEET
NORTH OF AND PARALLEL TO A SOUTHERLY LINE OF SAID PARCEL "A", FOR A DISTANCE OF
171.73 FEET TO A POINT ON A LINE, SAID LINE BEING 10.00 FEET EAST (E) OF AND PARALLEL
TO THE WEST (W) LINE OF PARCEL "A"; THENCE PROCEED NORTH 01° 44' 34" WEST ALONG SAID
PARALLEL LINE, FOR A DISTANCE OF 14.16 FEET TO THE POINT OF BEGINNING.

SAID PORTION OF LAND SITUATE, LYING AND BEING IN THE TOWN OF DAVIE, BROWARD
COUNTY, FLORIDA, CONTAINING APPROXIMATELY 4,154 SQUARE FEET OR 0.10 ACRES.

LEGEND:

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.O.T. = POINT OF TERMINATION
P.B. = PLAT BOOK
PG. = PAGE
BCR = BROWARD COUNTY
ORB = OFFICIAL RECORDS BOOK

Francisco A. Aguirre
FRANCISCO A. AGUIRRE, P.E., P.L.S.
REGISTERED LAND SURVEYOR No. 3354
STATE OF FLORIDA

REVISIONS/UPDATES:

DATED: 06/12/06

PROJECT No.: 05-047

SCALE: N/A

DRAWN BY: XFA

CHECKED BY: XFA & FAA

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PHONE: (954) 318-8770 FAX: (772) 380-3385 (954) 318-8720

FOR:

**THREE OAKS
BUSINESS PARK**

DAVIE BROWARD COUNTY FLORIDA

PROJECT: VACATION OF:

**A PORTION OF A
PLATTED 10 FOOT
UTILITY EASEMENT**

Exhibit (“*Davie Tropicana Replat*”)

"DAVIE TROPICANA REPLAT"

1. BOTTLE OF PAPER, "A" OR "DAVIDE TROVIGIANI" (PLAT. NO. 111, MARK 17 B.C.M.)
TOGETHER WITH A BOTTLE OF TRACT 39 IN SECTION 30, TOWNSHIP 20 NORTH,
RANGE 43 EAST, OF EVANSVILLE LAND SALES (GRANT 2000151516) (PLAT. 0008 2,
MARK 34 MARK) IN THE TOWN OF PEARL, HOWARD COUNTY, IOWA.

[illegible]

1. I, James Earl Ray, do hereby certify that the above is a true and correct copy of the original document.

ACCORDABLE DOCUMENT
 State of Florida, County of Franklin
 I, DAVID E. TRICKETT, who executed the foregoing instrument
 of Deed, do hereby certify that the same is a true and correct copy
 of the original as the same appears in the public records of this
 office.
 Witness my hand and official seal of Franklin County, Florida,
 this 10th day of March, 1998.
 My commission expires March 10, 2000.
David E. Tackett
 County Clerk of Franklin

[illegible]

STATE of Florida
County of _____
I, _____, Secretary
of the _____
County, hereby certify that on this day personally appeared _____
who executed the foregoing First and Instrument of Dedication, he is
personally known to me and did not act on oath.

Witness my signature and official seal of said County, Florida, this _____ day of _____, 19____ A.D.

Commission Expires: Feb. 14, 19____

County Clerk

1004 8th Street, NW, Washington, DC 20004

The above named, said First Union National Bank of Florida, a National
 Banking Association, was caused to deposit presents to be signed by it, to
 the following:

Robert in secret cover	Joseph Dan in secret cover	[Signature] Vice President
Melvin in secret cover	Joseph Dan in secret cover	[Signature] Vice President

STATEMENT

I hereby certify that in this day personally appeared before me WALTER W. WILSON, a Notary Public in and for the State of MISSISSIPPI, and that he acknowledged to me that he executed the foregoing instrument of writing as his free and voluntary act, and that he executed the same for the purposes and consideration therein expressed.

Witness my hand and seal this 20th day of August, 1936.

Notary Public in and for the State of MISSISSIPPI.

My commission expires Aug. 20, 1936.

Subscribed and sworn to before me this 20th day of August, 1936.

Notary Public in and for the State of MISSISSIPPI.

SALES INCREASE
OF FORTY-ONE PERCENT
FOR THE YEAR ENDING 1960
FOR THE YEAR ENDING 1960
FOR THE YEAR ENDING 1960

[illegible][illegible][illegible][illegible]

Wm. J. Hardy James W. Hardy Mary E. Hardy

CONSULTANT
DATE OF WORK: 8/8
NAME OF CLIENT: Mr. & Mrs. Zbar
I hereby certify that on this day personally represented before me
Marcel C. Zbar 55, President
of M. M. Z. U. S. Florida Corporation, who executed the foregoing deed and instrument of declaration. He
personally knew me and of true age.
I am a duly licensed and in good standing
Notary Public in and for the State of Florida
My commission expires: Nov. 10, 1939
My Notary Seal is: Notary Seal

[illegible]

Professional Survey and Mapping
State of Florida Registration No. 74712

BRANDED COUNTY PLANNING COUNCIL

This is to certify that the Branched County Planning Council approves
this application for a 20 day of March 1958
trial/11-4-58 this 20 day of March 1958

By: Chairman

This plat complies with the approval of the Branched County Planning Council
and is hereby accepted for record on March 1958

PERSONNEL, TRAFFIC, FINANCE, AND ADMINISTRATIVE SERVICES DIVISION
COUNTY WAREHOUSE DIVISION - WAREHOUSE SECTION

A.B. 1567, and is recorded in Plat Book 125 at page 122. Records verified
 Attest: James J. Conzelmann County Administrator
 County Administrator
 County
 Prepared: Robert J. Anderson
 County Auditor
 County Auditor

[illegible]

THIS IS TO CERTIFY THAT THIS PLAN WAS APPROVED AND ADOPTED BY THE PLANNING AND ZONING BOARD OF THE TOWN OF BARTON, BRIGHTON TOWNSHIP, PLANNING

THIS IS TO CERTIFY THAT THIS PRIZE WAS AWARDED AND ACCEPTED BY THE TOWN CLERK OF SAINT PETERSBURG FLORIDA BY REGISTRATION AND THIS 12th day of November 1944

ATTEST: Barbara Bergamini secretary James H. Bush Mayor

CENTRAL MICHIGAN JAIL, CONTINUED

Chairman	Date	District Secretary	Date
<i>[Signature]</i>	Oct. 3, 1995	<i>[Signature]</i>	6-17-97

			
NOTARY VOID	NOTARY	NOTARY	NOTARY

WILLIAM LLOYD and ASSOCIATES, INC.
600 North Congress Road, Fort Lauderdale, Florida
33304

 FIRST UNION BANK OF FLORIDA	NOTARY	NOTARY 	COUNTY ENGINEER 	SURVEYOR OK
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Exhibit (*Future Land Use Map*)

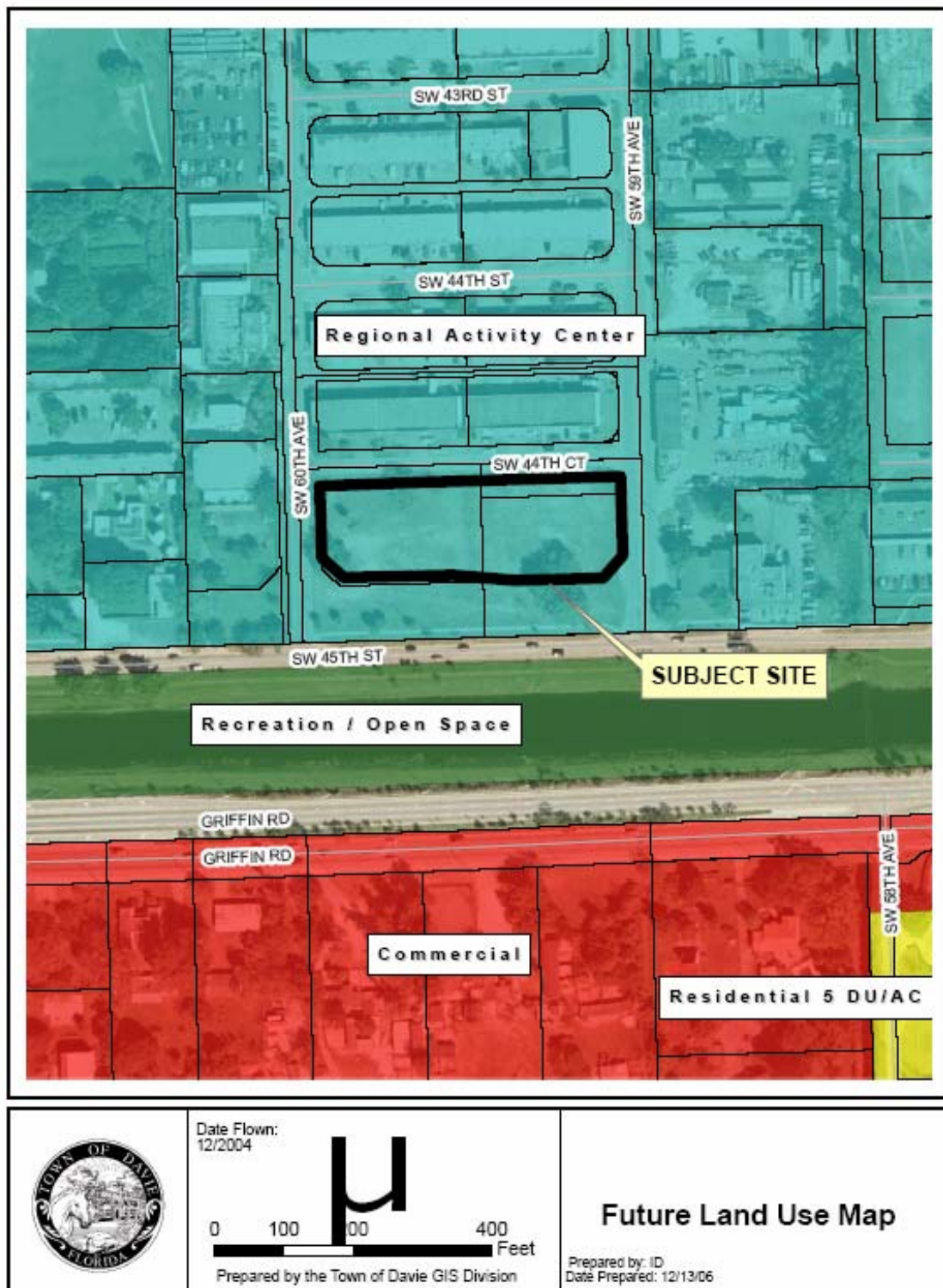
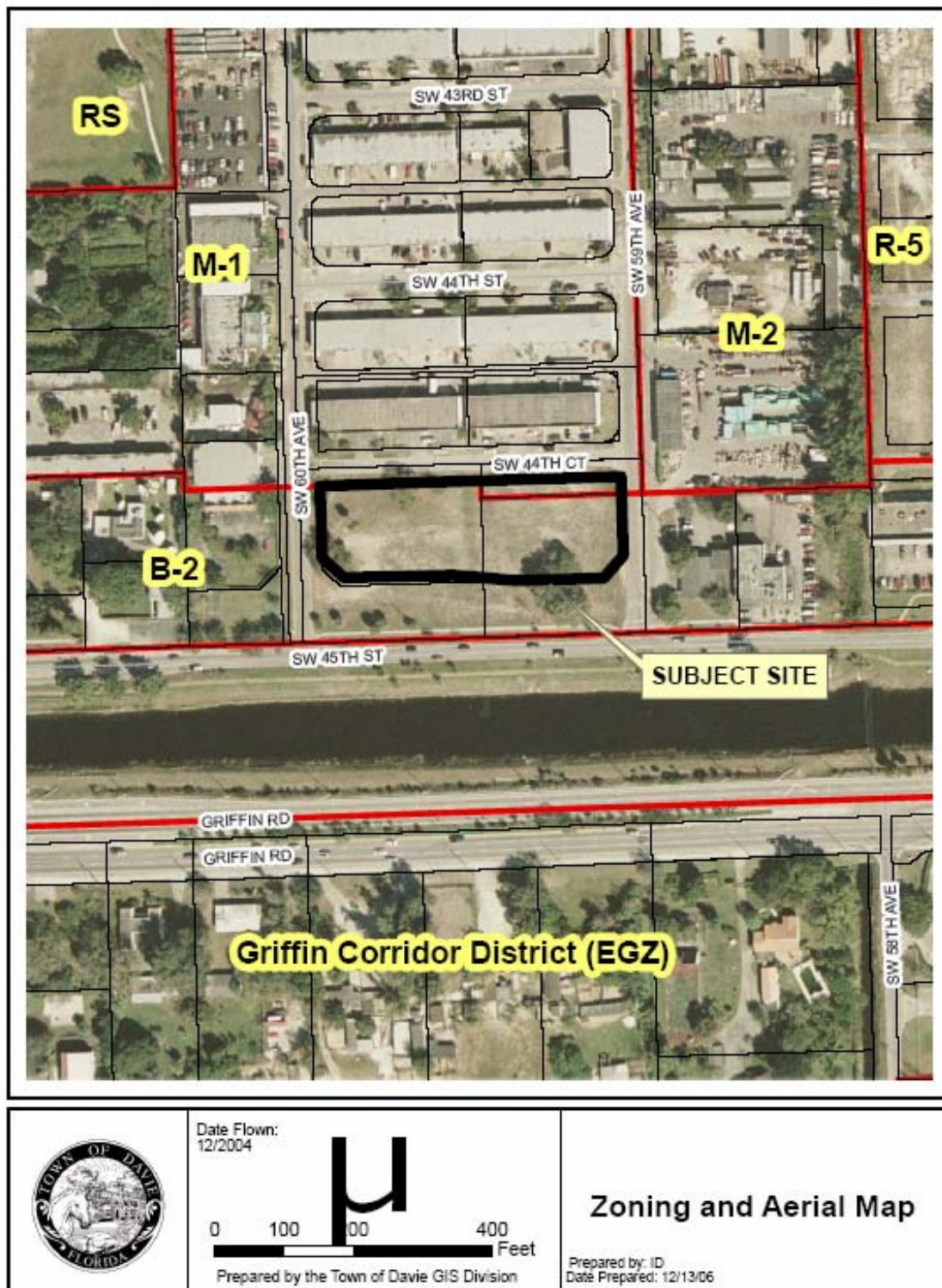


Exhibit (Aerial, Zoning, and Subject Site Map)



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